

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 274 – HB 1264

February 28, 2017

SUMMARY OF ORIGINAL BILL: Adds housing and apartment complex common areas, including lobbies, hallways, and courtyards, to areas which are not considered open to the general public for purposes of criminal trespass.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (004328): Deletes all language after the enacting clause. Directs that it is not a defense to prosecution of criminal trespass to consider common areas of housing or apartment complexes as property where owner's consent to enter has been granted, if proper signage is displayed, except in certain circumstances.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 39-14-405(a), a person commits criminal trespass if the person enters and remains on property without the consent of the owner, with consent being inferred on commercial property that is available to the general public.
- Pursuant to Tenn. Code Ann. § 39-14-405(b)(1), it is a defense to prosecution of criminal trespass if the person entering and remaining on the property believed they had the property owner's consent to enter.
- The proposed amendatory language would direct that consent to enter and remain on property considered to be common area of a housing or apartment complex is not inferred and as such cannot be used as a defense against a criminal trespass violation
- Owners will be required to post signage pursuant to Tenn. Code Ann. § 39-14-405(c), in order for the provisions of the amendatory language to apply.
- Criminal trespass is a class C misdemeanor pursuant to Tenn. Code Ann. § 39-14-405(g). There will not be a sufficient change in the number of prosecutions for state or local government to experience any significant change in revenue or expenditures.

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CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/jrh